

Remarks

By the foregoing Amendment, Claim 10 is amended. Entry of the Amendment, and favorable consideration thereof, is earnestly requested. Claims 1-9, 11 and 12 having been previously cancelled, Claims 10 and 13-16 are currently pending.

The Examiner has objected to the Abstract as not being a concise statement of the technical disclosure of the patent, and as not including that which is new in the art to which the invention pertains. The Abstract has been amended in a manner in which Applicant believes obviates this objection.

Claims 10 and 13-16 were rejected under 35 U.S.C. 102(b) as being anticipated by Abrams (U.S. Patent No. 5,673,691). Applicant respectfully requests that this rejection be reconsidered in view of the above Amendments and the below Remarks.

The present invention is directed to a recipe evaluating system which facilitates weight loss for persons following certain types of weight control programs. One specific example of such a weight control program in connection with which the present invention may be employed is the POINTS® based

program employed by Weight Watchers International, Inc., one of the assignees of the present application.

In the POINTS® based program, rather than tracking any one or more traditional nutritional parameters (such as calories, vitamins, minerals, protein, carbohydrates, fat, etc.), participants in the program track their food intake using “points”, which are a composite nutritional indicator taking into account multiple nutritional parameters of food items. Various food items in various amounts have associated therewith particular “points” values, and participants in the program have a target “points” total for a given time period. The “points” values for various amounts of food items can be found in tables, in databases, on the packaging for food items themselves, or by calculating the values using a formula based upon nutritional parameters, etc.

In some cases, such as in the case of popular restaurants and pre-packaged meals, entire food items (such as sandwiches) or even entire meals may have a known “points” value associated therewith, so that program participants may easily track their food intake for such items. However, when a program participant is making his/her own recipes, there may not be a pre-determined “points” value readily available to the participant. Instead, the participant would be required to individually locate or calculate the “points” value

associated with each recipe ingredient, adjust the “points” value based upon the amount of the ingredient used in the recipe, add the “points” values together for all recipe ingredients for a total, and then divide the total “points” value by the number of servings. Obviously, this can be a cumbersome process if performed manually, particularly for recipes that contain numerous ingredients.

The present invention greatly facilitates this process by merely allowing a user to input the recipe ingredients and associated amounts, and then outputting a single, composite nutritional indicator (i.e., a “points” value) for each serving of the recipe.

Applicant respectfully submits that Abrams does not disclose, teach or suggest such a system in any way. Abrams is concerned only with summing the various traditional nutritional parameters for multiple items in a recipe, **not** with taking plural nutritional parameters for each ingredient and outputting a single numerical value calculated based on the plural nutritional parameters for each ingredient for a serving of a multiple ingredient recipe. For example, as can be clearly seen in Figure 22 of Abrams, the system disclosed therein merely sums various individual nutritional parameters for ingredients of a recipe and then divides the summed values for each individual nutritional parameter to arrive at a value of each individual nutritional parameter for a serving size of the recipe. More

specifically, the individual nutritional parameters that are shown in Figure 22 as being summed are calories and fat. Abrams does not disclose, teach or suggest in any way calculating and outputting a **single** numerical value calculated based on the **plural** nutritional parameters for each ingredient for a serving of a multiple ingredient recipe.

Thus, Abrams merely sums the nutritional components of the food items, and outputs a total for each individual nutritional component. The user of the system would still be required to manually perform additional calculations to arrive at a **single** numerical value calculated based on the **plural** nutritional parameters (i.e., a “points” value) for each serving. The number of calories and the amount of fat only get the user part of the way there.

Claim 1 has been amended to highlight this distinction between the claimed invention and the Abrams reference. More specifically, Claim 1 has been amended to highlight the fact that the inventive system calculates a **single** numerical value calculated based on **plural** nutritional parameters for each ingredient for a serving of a multiple ingredient recipe. Abrams does not even hint at such a system. Rather Abrams discloses a system that calculates multiple numerical values, each of which is based on calculations involving only a single nutritional parameter (e.g., only calories or fat).

For the foregoing reasons, Applicant respectfully submits that all pending claims, namely Claims 10 and 13-16, are patentable over the references of record, and earnestly solicits allowance of the same.

Respectfully submitted,

/Todd M. Oberdick/

August 17, 2009

Wesley W. Whitmyer, Jr., Reg. No. 33,558
Todd M. Oberdick, Registration No. 44,268
Attorneys for Applicant
ST.ONGE STEWARD JOHNSTON & REENS LLC
986 Bedford Street
Stamford, CT 06905-5619
Tel. 203 324-6155